

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 18, 1997

DIVISION ONE

B111199 People (Not for Publication)
v.
Barlow

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B109397 People (Not for Publication)
v.
Ortiz

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

B106182 People (Not for Publication)
v.
Martinez et al.

The judgments are affirmed.

Masterson, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

December 18, 1997-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B115894 Rufino S. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. DCFS, r.p.i.)

The Court:

The petition is denied.

Spencer, P.J., Ortega, J., Masterson, J.

B097915 Kornfeld (Not for Publication)
v.
Highlands Insurance Co., etc.

The judgment and order appealed from are affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION ONE (Continued)

B109374 L.A. DCFS (Not for Publication)
 v.
 Donna B.

The order appealed from is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

B110934 People (Not for Publication)
 v.
 Pierce

The matter is remanded for the trial court to either impose concurrent sentences on counts 4 and 5, or allow defendant to withdraw his admission to the relevant prior conviction. In all other respects, the judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B111749 Lascar (Not for Publication)
 v.
 First Federal Bank et al.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

December 18, 1997-Continued

DIVISION ONE (Continued)

B114715 Taylor (Not for Publication)

v.
Superior Court, Los Angeles County
(Aames Home Loan et al., r.p.i.)

Therefore, let a peremptory writ of mandate issue ordering respondent superior court to (1) vacate its July 15, 1997 order granting the motion to compel Mark Strom to respond to judgment creditors' form and special interrogatories and (2) issue a new and different order denying same. All parties shall pay their own costs.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B105785 Ho (Not for Publication)

V.
Hamilton Financial Corp. et al.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B100509 Goth et al. (Not for Publication)

v.
Air-Ride Ltl., et al.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B110769 Woodson (Not for Publication)

v.
City of Pasadena et al.

The judgment is affirmed. The City is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

B105420 Kohan et al. (Not for Publication)

v.
Girardi et al.

The judgment is affirmed. Girardi is awarded his costs on appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

B105296 Palmrose et al. (Not for Publication)

v.
Ron Ohle Insurance Agency

The judgment is affirmed. Ohle is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

DIVISION ONE (Continued)

B106261 Four Point Entertainment, Inc. (Certified for Publication)
 v.
 New World Entertainment, Ltd.

The appeal is dismissed, and the cause is remanded to the trial court with directions to vacate the judgment and the stipulation on which it is based. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Dunn, J. (Assigned)

B113880 Farnham (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (Sequoia Holdings, Inc. et al., r.p.i.)

Let a peremptory writ of mandate issue commanding the trial court to vacate its order sustaining without leave to amend the demurrer by Whitehurst and Brown to Farnham's defamation cause of action, and to fix the time within which an answer to that cause of action shall be filed. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

DIVISION ONE (Continued)

B115417 Stella Foods, Inc. (Certified for Publication)
v.
Superior Court, Los Angeles County
(Cacique, Inc. et al., r.p.i.)

Let a peremptory writ issue commanding the trial court (1) to vacate that portion of its order granting Cacique's motion for summary adjudication of Stella Foods' fourth cause of action for international interference with prospective economic relations and (2) to enter a new order denying that part of Cacique's motion. In all other respects, the petition is denied. The parties are to pay their own costs of these writ proceedings. Upon issuance of remittitur, the stay heretofore imposed shall be dissolved without further order of this court.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B105343 Delgadillo (Not for Publication)
v.
Forssen

The trial court's order fixing and taxing costs is reversed. The matter is remanded. The trial court is to declare plaintiff Delgadillo the prevailing party and award him his allowable costs without reduction for his degree of negligence. The trial court is directed to deny defendant Forssen's motion for costs, as Forssen is not a prevailing party. A new hearing is to be held on defendant Forssen's motion to tax costs. Delgadillo is entitled to his costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

B106256 People
 v.
 King

Merits:

Argued by Brad Levenson, Deputy Attorney General for respondent and by Victor Salerno for appellant. Cause submitted.

B108766 Eum
 v.
 Smyth

Merits:

Argued by J. Brain Watkins for appellant and by Andrew Smyth, in propria persona. Cause submitted.

B111668 Koire
 v.
 Toscano

Merits:

Argued by Harold Kippen for appellant and by Susan Hilton for respondent. Cause submitted.

B107159 People
 v.
 Martinez

Merits:

Argued by Maxine Weksler for appellant and Michael Keller, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B101438 O'Brien
 v.
 Transamerica Per Ins.

Merits:
Argued by Steven Zelig for appellant and by Julia Covell for respondent.
Cause submitted.

B111932 Mitchell
 v.
 L.A. County

Merits:
Argued by Archie Wright for appellant and by Derrick Au for respondent.
Cause submitted.

Mr. Justice Nott leaves the bench.

B104486 Olivera
 v.
 Torrance Unified School District

Merits:
Argued by Laurence Posner for respondent and by Robert Walker for
appellant. Cause submitted.

B097484 Lontos, et al.
 v.
 Co. Sanitation Districts
 (Steve Bubalo Construction, r.p.i.)

Merits:
Argued by Alan Novodor for appellant and by Paul Bech and Mark Hargan
for respondent. Cause submitted.

DIVISION TWO (Continued)

B111073 Weling
 v.
 Travelers Corp.

Merits:
Argued by Charles Fleishman for respondent and by William Highberger
for appellant. Cause submitted.

Court recessed.

The Court reconvened at 1:00 P.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

B104933 People
 v.
 Smith

Merits:
Argued by Audree Wong, Deputy Attorney General for respondent and by
Jill D. Lansing for appellant. Cause submitted.

B112393 Carroll
 v.
 L.A. County

Merits:
Argued by Harry Lippman for appellant and by Owen L. Gallagher for
respondent. Cause submitted.

B110125 People
 v.
 Richards

Merits:
Argued by Lori Gong, Deputy Attorney General for respondent and by
Debra Petcove for appellant. Cause submitted.

DIVISION TWO (Continued)

B115837 Talismaya S.
 v.
 Sup. Ct.
 (D.C.F.S. and Angelica S., real parties in interest)

Merits:

Argued by Nole Johnson for petitioner and by Kim Kedeshian and Amy Pellman for real parties in interest. Cause submitted.

B116512 Leticia V. et al.
 v.
 Superior Court
 (D.C.F.S.)

Merits:

Argued by Leticia Vargas & Miguel Flores for petitioners and by Jill Regal for real party in interest. Cause submitted.

B109540 Ray
 v.
 First Federal Bank of Calif.

Merits:

Argued by Deborah David for respondent and by Craig Roeb for appellants. Cause submitted.

Mr. Justice Zebrowski leaves the bench.

B105562 Wooley, et al.
 v.
 Solarch Inc.

Merits:

Argued by Michael Magnuson for respondents and by Philip Nadler for appellants. Cause submitted.

Court Adjourned.

DIVISION FOUR

B106317 Cairns (Not for Publication)
v.
County of Los Angeles
City of Malibu

The judgments of dismissal of plaintiffs' complaints against the City of Malibu and the County of Los Angeles are affirmed. Defendants are awarded costs on appeal against plaintiffs. The City of Malibu's appeal from the judgment dismissing its cross-complaint against the County of Los Angeles is dismissed as moot. The City of Malibu and the County of Los Angeles shall bear their own costs on the appeal of the judgment on the cross-complaint.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Baron, J.

B104100 Cueva (Not for Publication)
v.
Weinhart

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Baron, J.

B105669 Prime Pacific Investment (Not for Publication)
v.
Masumi

The order awarding attorney fees to defendants and respondents Rashid and Firouzeh Massumi is reversed. Plaintiff and appellant Prime Pacific Investment, Inc., is to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Baron, J.

December 18, 1997-Continued

DIVISION FOUR (Continued)

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The judgment filed March 6, 1996, as amended June 21, 1996, to award costs including attorney fees to defendants, is affirmed. The parties shall bear their own costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Baron, J.

B107897 GST Enterprises (Not for Publication)
v.
Monzon

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Baron, J.

B105935 Travelers Indemnity Company (Not for Publication)
v.
R.A.M.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Baron, J.

December 18, 1997-Continued

DIVISION FOUR (Continued)

B110493 In re Willie Jones (Not for Publication)
on Habeas Corpus

Writ denied. The order to show cause is discharged.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

[illegible]

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment to reflect the imposition of the \$10,000 restitution fine.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

DIVISION FIVE

B116168 Nabil Darghous (Not for Publication)
v.
Superior Court, Los Angeles County
(Johnson Controls, Inc. etc., r.p.i.)

Let a peremptory writ of mandate issue directing the respondent court to set aside its order granting summary adjudication and issue a new order denying the motion as to the second, fourth, fifth and eighth causes of action. Plaintiff, Nabil Darghous, shall recover his costs in connection with these extraordinary writ proceedings from defendants, Johnson Controls, Inc. and Thomas A. Krueger.

Turner, P.J.

We concur: Armstrong, J.
 Jackson, J. (Assigned)

December 18, 1997-Continued

DIVISION FIVE (Continued)

B103237 People (Not for Publication)

V.

Ronald Paniagua

The abstract of judgment is amended to reflect a restitution fine of \$10,000 and, as amended, the judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B111456 Jacqueline P. Hartman (Not for Publication)

V.

Polly's Inc. et al.

The judgment is affirmed. Defendant, Polly's Inc. is to recover its costs on appeal from plaintiff, Jacqueline P. Hartman.

Turner, P.J.

We concur: Armstrong, J.
 Jackson, J. (Assigned)

B115838 Theresa L. (Not for Publication)

V.

Los Angeles Superior Court

Los Angeles County Department of Children and Family Services

The petition for extraordinary writ is denied.

Jackson, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B108456 Van Den Brink (Not for Publication)
v.
City of Solvang

The judgment is reversed and remanded for further proceedings consistent with this opinion. Costs on appeal are awarded to appellant.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

B093130 Mahne (Not for Publication)
v.
Crown Roll Leaf, Inc. etc.

The judgment is affirmed. Respondent is awarded its costs on appeal.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B109510 Ott (Not for Publication)
v.
Murphy, et al.

The judgment is affirmed. Respondent is awarded his costs on appeal.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

December 18, 1997-Continued

DIVISION SIX (Continued)

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The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B112058 People (Not for Publication)
v.
Makela

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
 Gilbert, J.

B113437 Blake (Not for Publication)
v.
City of Port Hueneme

The post-judgment order of the trial court, awarding attorneys' fees and costs incurred through February 24, 1997, is affirmed. Costs on appeal are awarded to respondents. The matter is remanded with directions to the trial court to determine reasonable attorneys' fees and costs incurred since February 24, 1997, in accord with this opinion, and to order the sum of all such fees paid by City.

Stone, P.J.

We concur: Gilbert, J.
Yegan, J.

December 18, 1997-Continued

DIVISION SIX (Continued)

B113640 San Luis Obispo Co. Public Social Services
v.
Shirley S.

Filed order dismissing appeal as abandoned.

B113398 People (Not for Publication)
v.
Cid

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
 Gilbert, J.

B111322 Ventura County, D.C.S. (Not for Publication)
v.
Joy H.

The order is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

B112151 People v. Sheppard

(Not for Publication)

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

December 18, 1997-Continued

DIVISION SIX (Continued)

B108993 People (Not for Publication)

v.
Montoya

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

DIVISION SEVEN

B091493 Alliance of Small Emitters (Certified for Publication)

v.
South Coast Air Quality Management District

The judgment is affirmed. Costs on appeal are awarded to respondent.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B083215 Wills and Wills (Not for Publication)

V.
Tysch

The default is set aside, the judgment is reversed and the matter is remanded to the superior court for further proceedings. Appellant is entitled to costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B107628 Bendo and Bendo (Not for Publication)

v.

Herbert Hawkins Company, Inc.

Ortega and Arribeno

The judgment on the pleadings is reversed and the cause remanded for further proceedings consistent with this opinion. Appellants are awarded their costs on appeal.

Johnson, J.

We concur: Lillie, P.J.

Woods, J.